

# **EXHIBIT 2**

## **PUBLIC VERSION**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
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IN RE: HIGH-TECH EMPLOYEE )  
ANTITRUST LITIGATION ) No. 11-CV-2509-LHK  
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Videotaped Deposition of Michael Devine, taken  
at 275 Battery Street, 29th floor, San Francisco,  
California, commencing at 9:17 a.m., Wednesday,  
October 24, 2012, before Ashley Soevyn, CSR 12019.

1 more broad side of that -- Office -- backend Office, 11:57:20  
2 ERP, enterprise resource planning. I don't know. 11:57:25  
3 Those are all domains. That's what I mean by 11:57:33  
4 that. 11:57:36

5 Q. Which market domains do you have 11:57:48  
6 qualifications to work in? 11:57:56

7 A. I can't answer that. It's tough to answer 11:58:05  
8 that because, again, it depends on the perspective 11:58:08  
9 of the hiring manager, hiring firm. I think I can 11:58:10  
10 work in any market domain. And in fact, one thing I 11:58:15  
11 point out as an asset is the fact that I quickly 11:58:22  
12 adapt to market domains and am generally very 11:58:25  
13 interested in learning them. 11:58:29

14 Some technical people like particular 11:58:36  
15 languages, or some people like a particular 11:58:39  
16 operating system, you know, preferences. I like to 11:58:42  
17 kind of immerse myself a bit and care a lot about 11:58:45  
18 the market domain of that product. 11:58:49

19 It gives it meaning, it's context, it's for 11:58:52  
20 the work. It's an advantage if the hiring manager 11:58:54  
21 is looking for that. It's a wash if they are not. 11:59:01  
22 It's not like they are not looking at that. "Oh, 11:59:03  
23 great. You're interested in our product domain." 11:59:07

24 If someone has a good bit of experience in 11:59:13  
25 a particular niche, that would make them much more 11:59:18

1	A. I would work in any market domain.	12:03:02
2	Q. What about -- what types of companies could	12:03:07
3	you work for?	12:03:12
4	A. Any type of company that needed software	12:03:13
5	engineering expertise. Or any company that was	12:03:18
6	interested in my expertise in any of these	12:03:27
7	particular market domains. There's this other thing	12:03:31
8	that some tech people do, which is technical product	12:03:34
9	management or we call them PMs at Microsoft.	12:03:38
10	Technical background, but they understand the	12:03:45
11	features and functions of the product space.	12:03:47
12	I could kind of work in both those areas.	12:03:55
13	Yeah, actually quite -- very flexible. So the	12:04:05
14	common threads are not restricting, they're an	12:04:14
15	advantage within that domain, but it's not that I	12:04:17
16	can't jump into anything that's completely foreign	12:04:20
17	to me and do it.	12:04:22
18	Q. You could work for any company that needs	12:04:30
19	software engineering with your skill set?	12:04:33
20	A. I think so.	12:04:36
21	Q. Looking at your resume, it appears that you	12:04:41
22	could work for technology companies and	12:04:46
23	non-technology companies?	12:04:50
24	A. Generally making technology for	12:04:57
25	non-technology companies. That's probably --	12:04:59

1 depends on whether a company thinks its a technology 12:05:06

2 company or not. 12:05:10

3 Q. You worked for Merrill Lynch, for 12:05:10

4 example? 12:05:13

5 A. Yes. Which, depending on who you talk to, 12:05:14

6 is not a technology company. My boss thought it was 12:05:19

7 a technology company, actually. It is a matter of 12:05:22

8 perspective -- obviously they are a financial 12:05:30

9 company, but -- 12:05:33

10 Q. Could you work for a financial company? 12:05:33

11 A. Most, yes. 12:05:44

12 Q. Doing the software engineering work that 12:05:47

13 you're qualified to do? 12:05:48

14 A. Yes. I could probably do mathematical 12:05:50

15 modeling work too, simulation. Actually, when I was 12:05:53

16 at Merrill Lynch, I created a new way of looking at 12:05:58

17 a bond valuation over time -- that wasn't used for a 12:06:09

18 long time. So that was a bit of an analytical thing 12:06:14

19 that would have been more of an analyst, bond 12:06:18

20 analyst kind of role. But again, my job title was 12:06:24

21 mathematical programmer, I think at that time. 12:06:30

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 Q. And Bloomberg, would you put that into the 12:06:42

**[REDACTED]**

	[REDACTED]	[REDACTED]
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1 websites other than that. Obviously -- 14:22:39

2 Q. These are the career sites? 14:22:46

3 A. No, I'm speaking of the page when you go to 14:22:47

4 a company website and click "about" and then "jobs" 14:22:49

5 here -- is such and such company hiring? That's 14:22:52

6 what I meant when I'm listing those specific 14:22:55

7 companies. 14:22:58

8 Q. And you said during this time period, you 14:22:59

9 mean January 1, 2005 to present? 14:23:01

10 A. Yes. If it's to the present too, that one 14:23:06

11 that I mentioned that I used recently called a -- 14:23:09

12 Simply Hired -- 14:23:17

13 Q. Simply Hired. 14:23:17

14 A. -- now I remember it. Simply Hired. That 14:23:17

15 one was just I think an indexing that goes into the 14:23:21

16 actual -- wherever the job is actually listed. 14:23:23

17 Q. Between January 1, 2005 and the present, 14:23:30

18 have you used LinkedIn for job searches? 14:23:35

19 A. No. I was on there, but I never used it. 14:23:41

20 I set one up, I got connected to a handful of 14:23:45

21 friends and never used it. 14:23:49

22 Q. What about Facebook? 14:23:52

23 A. I take that back. Let me correct that. I 14:23:54

24 contacted a former colleague through it because I 14:23:57

25 did not have their e-mail address. So I used it for 14:24:01



1 that, but that wasn't really a -- that wasn't really 14:24:05  
2 using it for networking. That was somebody I 14:24:08  
3 already knew. I didn't have their e-mail address. 14:24:10  
4 I just -- a weird little memory just popped into my 14:24:12  
5 head. 14:24:15

6 Q. When you did that, was the purpose to 14:24:17  
7 explore potential job opportunities? 14:24:19

8 A. Might have been that or it might have been 14:24:24  
9 to ask for a reference. I don't remember. 14:24:26

10 Q. Do you recall if it was in connection with 14:24:31  
11 looking for a job? 14:24:33

12 A. Either of those would be -- I would say, 14:24:34  
13 yeah. It was not personal. 14:24:39

14 Q. Any other Internet sites or searches that 14:24:54  
15 you've done to look for jobs between 2001 -- I mean, 14:24:59  
16 January 1, 2005 and the present? 14:25:05

17 A. There are certainly others. I am not 14:25:10  
18 recalling any specific ones right now. 14:25:15

19 Q. And I think I've seen your documents -- 14:25:21  
20 technology forums that you belong to. 14:25:25

21 A. Oh, thank you. Yeah, a group called 14:25:28  
22 Seattle Startups. It's an e-mail forum of people 14:25:35  
23 who are looking for or interested in Seattle 14:25:46  
24 technology startups or Seattle area technology 14:25:50  
25 startups. 14:25:50

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1 Q. You've used that as a -- 14:25:51

2 A. Yes. 14:25:54

3 Q. -- source of potential jobs 14:25:54

4 opportunities? 14:26:03

5 A. Yes. Feel free if you have additional 14:26:03

6 information to remind me at any time. My memory is 14:26:13

7 that way -- 14:26:15

8 Q. How about Craigslist? Have you searched 14:26:16

9 Craigslist for a potential job? 14:26:19

10 A. Craigslist might be where I found out about 14:26:23

11 the Ratio Interactive job, which would explain why I 14:26:27

12 don't think I ever used Craigslist again to look for 14:26:33

13 a job. That's why you don't go to Craigslist to 14:26:35

14 look for a massage therapist, for example. 14:26:38

15 Q. Mr. Devine, have you -- excuse me. Are you 14:26:48

16 aware that some companies have a career site where 14:26:52

17 you can submit your resume but not for a specific 14:27:00

18 position? 14:27:03

19 A. Yes. 14:27:04

■ ■ [REDACTED] [REDACTED]

■ ■ [REDACTED] [REDACTED]

■ ■ [REDACTED] [REDACTED]

■ ■ [REDACTED] [REDACTED]

■ [REDACTED] [REDACTED] [REDACTED] [REDACTED]

■ [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13	Q. Did you use Adobe's career site?	14:28:17
14	A. I am not sure. I don't recall if I did. I	14:28:24
15	may have had to when I was a permanent -- sorry,	14:28:34
16	when I was a contract employee and then was applying	14:28:38
17	to convert to permanent status. I might have had to	14:28:45
18	go onto the site to actually do that as a formality,	14:28:49
19	instead of just walking over to my boss's office and	14:28:54
20	handing him my resume.	14:29:01
21	A job with Manpower, whichever temp firm it	14:29:04
22	was when I was there, it was for the same role as	14:29:07
23	when I became a permanent -- a permanent -- yeah,	14:29:08
24	employee for Adobe -- for the same manager. I don't	14:29:15
25	remember. I probably -- per the rules, had to use	14:29:22

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1 the site. Once I was an employee, then they have an 14:29:24

2 internal site, I think, if I remember correctly. 14:29:35

3 Q. And did you submit any applications with 14:29:38

4 the internal site for jobs that were available at 14:29:42

5 Adobe? 14:29:45

6 A. I'm pretty sure I did. The -- more than 14:29:46

7 one -- and one specific one I remember is I think 14:29:50

8 applying for a security related job, like security 14:29:52

9 for the secure software team. I think I did that 14:29:58

10 through the site. 14:30:07

11 Q. Any other companies that you recall? 14:30:13

12 A. Not spontaneously. 14:30:15

13 Q. Did you -- for example, did you use Apple's 14:30:17

14 site? 14:30:22

15 A. I'm not sure if I did during that time 14:30:25

16 period. I did apply or submitted my resume through 14:30:28

17 a colleague or a referral. I don't remember if I 14:30:36

18 used the site for that or not. 14:30:40

19 Q. And do you recall the name of the 14:30:45

20 colleague? 14:30:49

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 Q. About when did you do that? You submitted 14:30:58

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 A. I think it was 2005, I think it was. 14:31:08

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1 Q. And did you interview with Apple? 14:31:18

2 A. Yes. 14:31:19

3 Q. Do you recall what job you were applying 14:31:21

4 to? 14:31:24

5 A. No, actually, I don't. 14:31:25

6 Q. Was this while you were working as a 14:31:29

7 contractor for Microsoft in 2005? 14:31:35

8 A. Yes, I think it was. 14:31:42

9 Q. Did you receive an offer from Apple? 14:31:43

10 A. No. 14:31:52

11 Q. After the interview, did Apple -- rejected 14:32:09

12 your application? In other words, they went with 14:32:12

13 another candidate? 14:32:17

14 A. I guess it was probably -- yeah, it was 14:32:26

15 rejected for the position. It wasn't that I said in 14:32:28

16 that case -- 14:32:28

17 Q. You did not withdraw your candidacy for the 14:32:28

18 position that you interviewed for? 14:32:34

19 A. I don't believe I did. 14:32:36

20 Q. And having spoken of that one incident, did 14:32:47

21 you otherwise use the career site at Apple at any 14:32:53

22 time between January 1, 2005 and the present? 14:33:02

23 A. I don't specifically recall doing that, but 14:33:09

24 there's a good chance I did, quite honestly. I 14:33:12

25 don't know. You know, I did have an interaction. I 14:33:15

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1 recalled when putting together the e-mail stuff in 14:33:21  
2 2008. And I don't know if that involved interaction 14:33:27  
3 with the site or not. 14:33:31  
4 Q. Do you recall how you were contacted in 14:33:34  
5 2008? 14:33:36  
6 MR. HARVEY: Objection, vague. And 14:33:40  
7 objection, misstates prior testimony. 14:33:43  
8 THE WITNESS: I don't recall. 14:33:55  
9 BY MR. KIERNAN: 14:33:56  
10 Q. Did you a apply for a job with Apple in 14:33:56  
11 2008? 14:34:04  
12 A. I don't recall. 14:34:08  
13 Q. Do you recall withdrawing your application 14:34:11  
14 because the position that was offered by Apple -- 14:34:15  
15 A. I remember changing my mind about being 14:34:25  
16 interested in a position. I don't know if I 14:34:27  
17 actually applied for the position or if a recruiter 14:34:29  
18 contacted me. I don't remember. 14:34:45  
19 Q. Have you used career sites -- putting aside 14:34:49  
20 Adobe and Apple -- have you used a career site of 14:34:52  
21 any other defendant in this lawsuit? 14:34:55  
22 A. Probably Google. I use that site. 14:35:02  
23 Q. And do you recall specifically using 14:35:12  
24 Google's career site? 14:35:15  
25 A. Maybe also in 2005. Maybe I did not -- 14:35:21

1 maybe I did, maybe I did not. If you have 14:35:32  
2 information that might help -- you remember -- that 14:35:37  
3 might help. And I do recall also e-mailing to 14:35:45  
4 someone I knew who did work there, my resume. And 14:35:49  
5 it was in 2009 maybe. 14:36:01

6 Q. Who did you send your e-mail -- or your 14:36:10  
7 resume to in 2009 at Google? 14:36:16

8 A. I don't remember his name. 14:36:29

9 Q. Do you recall why you sent your resume? 14:36:30

10 A. Yes. 14:36:33

11 Q. Why? 14:36:35

12 A. I met him at a coffee shop in Seattle, and 14:36:37  
13 I talked to him about my art work, which is 14:36:46  
14 technology-based art work. And he was really 14:36:49  
15 impressed with it and said, "You should come work at 14:36:55  
16 Google." 14:37:02

17 And I did not follow-up immediately, and 14:37:03  
18 then I followed up at some later point. I don't 14:37:09  
19 know what the gap was. That's how I remember it. 14:37:12

20 Q. After that, you sent your resume to this 14:37:20  
21 individual, did you apply for a job with Google? 14:37:25

22 A. I don't recall. I don't think I did. 14:37:31  
23 Maybe I did. 14:37:35

24 Q. Have you ever applied for a job at 14:37:38  
25 Google? 14:37:41

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1 MR. HARVEY: Objection, asked and 14:37:42  
2 answered. 14:37:43  
3 THE WITNESS: I was saying that -- that 14:37:47  
4 counts -- sending to a Google employee for referral, 14:37:49  
5 if that counts. And also, I may have applied in 14:37:53  
6 2005, but I'm not sure if I did. I think I did. 14:37:57  
7 BY MR. KIERNAN: 14:38:02  
8 Q. Any other defendants that you used their 14:38:08  
9 career site? And the other defendants are Intuit, 14:38:14  
10 Pixar, Lucasfilm, and Intel. 14:38:27  
11 A. Not that I recall. If you have, again, 14:38:29  
12 other information, feel free to remind me. 14:38:32  
13 Q. With respect to Apple's career website, 14:38:35  
14 have you ever submitted your resume and your 14:38:44  
15 application or used it without prompting from 14:38:47  
16 someone else? In other words, you went there, you 14:38:58  
17 know, you decided to go to Apple's website and use 14:39:03  
18 the career site. 14:39:11  
19 And what I'm trying to distinguish when I 14:39:13  
20 re-ask the question is, you can have a circumstance 14:39:16  
21 where a recruiter tells you if you're going to 14:39:19  
22 submit your application, you got to do it through 14:39:22  
23 the career site. 14:39:25  
24 I want to focus on you, on your own, you 14:39:26  
25 searching for jobs and your exploring job 14:39:29



1 opportunities at various companies. Like when you 14:39:32  
2 [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED] [REDACTED]  
4 Apple's career site in that way? 14:39:44  
5 MR. HARVEY: Objection, vague. 14:39:47  
6 THE WITNESS: I don't recall, but there's a 14:39:54  
7 good chance I did. And the way my memory works, if 14:39:55  
8 I'm shown a specific, I may suddenly remember all 14:39:59  
9 kinds of weird, peculiar details about it. 14:40:08  
10 BY MR. KIERNAN: 14:40:15  
11 Q. Okay. Any other ways that you -- between 14:40:15  
12 January 1, 2005 and the present that you have looked 14:40:17  
13 for job opportunities or received information about 14:40:23  
14 job opportunities? 14:40:27  
15 MR. HARVEY: Objection, asked and 14:40:28  
16 answered. 14:40:30  
17 MR. KIERNAN: I asked "any other ways." 14:40:31  
18 THE WITNESS: Uh-huh. 14:40:33  
19 MR. HARVEY: Same objection. 14:40:37  
20 THE WITNESS: As far as I can recollect 14:40:37  
21 now, I think every method fits into those categories 14:40:40  
22 we've discussed. 14:40:45  
23 BY MR. KIERNAN: 14:40:49  
24 Q. Focusing on the pre-2005 period, did you 14:40:49  
25 use the same sources of information to explore job 14:40:54

1 opportunities or receive information about job 14:41:01

2 opportunities? 14:41:04

3 A. Roughly. 14:41:10

4 Q. What would be different? 14:41:12

5 A. Specific company sites would be different 14:41:14

6 specific companies, I would assume. Different 14:41:18

7 e-mail groups. In Colorado, there is Rocky Mountain 14:41:23

8 Internet User Group. That is one. I think in the 14:41:31

9 Bay Area there is one too, I don't know what it's 14:41:37

10 called. But the same idea again. 14:41:39

11 Q. Okay. Now, I want to put aside the jobs. 14:42:09

12 Now, I want to focus on compensation. 14:42:12

13 A. Okay. 14:42:14

14 Q. So going back to interrogatory number 7 -- 14:42:15

15 and I want to focus again like we did on January 1, 14:42:23

16 2005 to the present time period. 14:42:26

17 Describe every source of information you've 14:42:28

18 obtained or received about compensation for jobs in 14:42:30

19 the market. 14:42:35

20 A. The difference would be for the time period 14:42:48

21 from 2005, it would be that I don't specifically 14:42:50

22 recall information from co-workers. 14:42:56

23 Q. Okay. So you received compensation 14:43:06

24 information from cold calls? 14:43:07

25 A. Spam calls and cold calls, yeah. 14:43:12

1 Q. Spam calls and cold calls. What other 14:43:23  
2 sources of information did you obtain or receive 14:43:26  
3 compensation information between January 1, 2005 and 14:43:30  
4 the present? 14:43:35

5 A. Any professional contacts that I don't 14:43:37  
6 recall specific instances -- Internet resources -- 14:43:40  
7 job listings often say, "Here is the range you're 14:43:44  
8 looking for." Of course, usually stated low. 14:43:47

9 And news sites about salary or 14:43:54  
10 compensation -- may have looked at like Salary.com 14:44:05  
11 or Glass Door or whatever -- Ceiling.com. But 14:44:16  
12 briefly, I recall -- I don't know when, but I recall 14:44:35  
13 looking at those and kind of thinking this is -- 14:44:38  
14 like reliable information. So it wasn't anything I 14:44:50  
15 based any decisions on. 14:44:58

16 Q. It looks like in your documents you were 14:45:00  
17 signed up with Payscale.com. Do you recall that? 14:45:04

18 A. Yeah, maybe. 14:45:10

19 Q. You don't recall? 14:45:11

20 A. I vaguely recall, if that's the one -- when 14:45:13  
21 does it -- in my documents, when did it say I was 14:45:18  
22 signed up with them? Do you remember? 14:45:21

23 Q. 2007. 14:45:23

24 A. Okay. I don't remember that. I did 14:45:27  
25 obviously, but I don't remember it though. 14:45:41

1 Q. Any other Internet sources that you used 14:45:49  
2 between January 1, 2005 and the present to obtain or 14:45:55  
3 receive information about compensation? 14:46:00

4 A. Not that I recall, beyond what's already 14:46:07  
5 been indicated. 14:46:10

6 Q. And you mentioned professional contacts. I 14:46:11  
7 want to make sure I understand what you mean by 14:46:15  
8 that. What do you mean when you use that phrase, 14:46:18  
9 "professional contacts" as a source for compensation 14:46:21  
10 information? 14:46:23

11 A. I would usually mean people that I don't 14:46:24  
12 presently work with who are friends in the same 14:46:27  
13 field maybe. I honestly don't remember specific 14:46:35  
14 instances of that kind of information. And then 14:46:41  
15 maybe information in those user groups, technology 14:46:46  
16 user groups. 14:46:51

17 Q. Having gone through a list of sources, any 14:47:17  
18 other list -- any other sources that you have not 14:47:20  
19 mentioned that you used between January 1, 2005 and 14:47:23  
20 the present to obtain or receive compensation 14:47:26  
21 information? 14:47:29

22 MR. HARVEY: Objection, asked and 14:47:29  
23 answered. 14:47:32

24 THE WITNESS: Not that I can specifically 14:47:32  
25 recall. 14:47:39

1	BY MR. KIERNAN:	14:47:41
2	Q. I want to focus on the pre-January 1, 2005	14:47:41
3	period. What sources did you use to obtain or	14:47:46
4	receive compensation information about jobs?	14:47:51
5	A. Job listings I had. I don't know. Same	14:48:09
6	things.	14:48:11
7	Q. Same sources?	14:48:12
8	A. Types of sources. Same types of sources.	14:48:13
9	Q. Between January 1, 2005 and the present,	14:48:18
10	were there certain types of sources that you used	14:48:23
11	more than others to obtain compensation information?	14:48:27
12	A. I honestly did not spend much time at all	14:48:32
13	gathering compensation information.	14:48:37
14	Q. Why not?	14:48:39
15	A. I don't know. I just don't necessarily	14:48:56
16	think it was very reliable or relevant. Or at the	14:48:59
17	end of the day, it was down to specific jobs and	14:49:15
18	what they said they were willing to pay.	14:49:22
19	Q. So the sources that you just described that	14:50:00
20	you used to obtain or receive compensation	14:50:03
21	information between January 1, 2005 and the present,	14:50:05
22	you felt were unreliable?	14:50:16
23	A. Yes.	14:50:22
24	Q. And that's why you did not use them?	14:50:22
25	A. I think the actual market, rather than	14:50:30

1 other than Dashwire? 16:02:33

2 A. There probably be the one that -- 16:02:36

3 Q. The web services? 16:02:38

4 A. The Ratio Interactive -- 16:02:39

5 Q. Okay. 16:02:42

6 A. As far as I can recall, there is nobody 16:03:14

7 missing. 16:03:17

8 I wrote at one point a bunch of contract 16:03:27

9 jobs into a bundle with various clients. There is a 16:03:30

10 list in there. 16:03:37

11 I guess my Word, Inc. startup is not listed 16:03:47

12 there. It isn't really an employer -- of course 16:03:50

13 neither is Exfoliate. 16:04:02

14 Q. Okay. So Ratio Interactive, Dashwire, and 16:04:14

15 Word, Inc. are missing from the list of employers? 16:04:18

16 A. It would appear so. Unless I mentioned the 16:04:21

17 Word stuff. Okay. Quest is there. 16:04:29

18 Q. And then if you look at Exhibit 60, your 16:05:14

19 education, it states University of Mexico, bachelor 16:05:17

20 of fine arts, electronic art, sculpture, and 16:05:21

21 photography. Do you see that? 16:05:26

22 A. Uh-huh. 16:05:27

23 Q. That's not accurate, right? 16:05:32

24 A. That would be correct. 16:05:36

25 Q. In some older resumes, you include a 16:05:41

1 Adobe, applying to a job at Google? 18:06:48

2 A. Not specifically, unless -- where was the 18:06:52

3 e-mail? I don't recall specifically if I did or 18:07:03

4 not. 18:07:06

5 MR. KIERNAN: Handing you what's been 18:07:10

6 marked as Exhibit 75. 18:07:14

7 (Exhibit 75 marked for identification.) 18:07:22

8 BY MR. KIERNAN: 18:07:22

9 Q. Do you recognize this as a exchange that 18:07:22

10 you had in January of 2008 with Alison Fortunato? 18:07:26

11 A. Okay. 18:07:38

12 Q. Do you know who Alison Fortunato is? 18:07:40

13 A. It would be someone recruiting from 18:07:48

14 Google -- for Google. 18:07:53

15 MR. KIERNAN: Let me quickly hand you 18:07:56

16 what's been marked as Exhibit 76. And keep 75 18:07:58

17 handy. 18:08:02

18 (Exhibit 76 marked for identification.) 18:08:02

19 THE WITNESS: Okay. 18:08:05

20 BY MR. KIERNAN: 18:08:05

21 Q. Do you recognize this as an e-mail dated 18:08:05

22 February 12, 2008 from you to Alison Fortunato at 18:08:06

23 Google.com? 18:08:11

24 A. Yes. 18:08:27

25 Q. Okay. You see at the bottom it states 18:08:28

1	Alison Fortunato, technical sourcer, Google, Inc.	18:08:30
2	Do you see that? Way at the bottom.	18:08:37
3	A. Yes.	18:08:38
4	Q. Does that refresh your recollection that	18:08:38
5	she was a sourcer for Google?	18:08:40
6	A. Whatever a sourcer is. I'm assuming it's	18:08:43
7	recruiters.	18:08:55
8	Q. And here she's informing you that they have	18:08:59
9	decided to pass on your candidacy for the position;	18:09:01
10	is that right?	18:09:10
11	A. Yes.	18:09:10
12	Q. Were there any other times that you applied	18:09:17
13	to Google?	18:09:22
14	A. I e-mailed that one contact I had at Google	18:09:26
15	that we previously spoke about. And I -- I think I	18:09:29
16	applied in '05 sometime, maybe. That's as much as I	18:09:38
17	remember.	18:09:54
18	Q. According to your e-mail, your application	18:09:54
19	was rejected after a technical screening; is that	18:09:56
20	right? Looking at Exhibit 76.	18:10:03
21	A. No. It would -- I'm sorry. The question	18:10:21
22	was, I was rejected because of a technical	18:10:22
23	screening?	18:10:25
24	Q. After having a technical screening at	18:10:26
25	Google.	18:10:29



1           A.    No.   I was indicating that I did not have a           18:10:30  
2           technical screening.   18:10:34

3           Q.    Okay.   So did you have any interviews with           18:10:36  
4           Google?   18:10:40

5           A.    I don't think I did.                                   18:10:47

6           Q.    She says at the bottom, "I really enjoyed           18:10:49  
7           our chat, however, at this time, after reviewing the           18:10:52  
8           feedback, we feel it's not going to be a perfect           18:10:55  
9           match."   18:11:04

10          A.    Uh-huh.   18:11:04

11          Q.    Do you recall having any telephone or           18:11:04  
12          in-person interviews with people at Google?           18:11:09

13          A.    No.   I think this was a conversation with           18:11:14  
14          Alison, and I don't think it was really technically           18:11:16  
15          substantive.   So it was not a technical screening.           18:11:19  
16          It was -- I don't remember the substance of it,           18:11:22  
17          but --   18:11:29

18          Q.    I got it.   In your response -- you were           18:11:29  
19          asking for a technical screening?                       18:11:32

20          A.    Pointing out that, yeah, obviously           18:11:35  
21          something about my resume, say perhaps that I was           18:11:37  
22          currently working at Adobe, but I don't know -- I           18:11:41  
23          don't know why -- something I said to her or my           18:11:49  
24          resume.   I don't know.                                   18:11:54

25          Q.    Looking back at Exhibit 75, if you could --           18:11:56

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 STATE OF CALIFORNIA ) ss:  
2 COUNTY OF MARIN )  
3

4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby  
5 certify:

6 That the foregoing deposition testimony was  
7 taken before me at the time and place therein set  
8 forth and at which time the witness was administered  
9 the oath;

10 That the testimony of the witness and all  
11 objections made by counsel at the time of the  
12 examination were recorded stenographically by me,  
13 and were thereafter transcribed under my direction  
14 and supervision, and that the foregoing pages  
15 contain a full, true and accurate record of all  
16 proceedings and testimony to the best of my skill  
17 and ability.

18 I further certify that I am neither counsel for  
19 any party to said action, nor am I related to any  
20 party to said action, nor am I in any way interested  
21 in the outcome thereof.

22 IN THE WITNESS WHEREOF, I have transcribed my  
23 name this 31st day of October, 2012.  
24

25   
ASHLEY SOEVYN, CSR 12019